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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,022	07/06/2001	Yukitoshi Takeuchi	35.C15547	3535

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EXAMINER

THOMPSON, JAMES A

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,022

Applicant(s)

TAKEUCHI ET AL.

Examiner

James A. Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2005 and 09 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09 November 2005 has been entered.

Response to Arguments

2. Applicant's arguments filed 09 November 2005 have been fully considered but they are not persuasive.

While Applicant's present amendments to the claims have overcome the previous prior art rejections set forth in the final rejection, dated 25 July 2005 and mailed 09 August 2005, the applied references have been further considered in light of the present amendments to the claims. Further disclosures in Lee (US Patent 6,233,426 B1) that were not relied upon in said final rejection, combined with teachings from Fujitaka (US Patent 5,541,712), are applied to render the presently amended claims obvious to one of ordinary skill in the art at the time of the invention. Accordingly, detailed prior art rejections are given below.

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 7, 13/1-13/4 and 13/7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent 6,233,426 B1) in view of Fujitaka (US Patent 5,541,712).

Regarding claim 1: Lee discloses a cover of an image reading apparatus (figure 7 and figures 9A-9B of Lee) comprising a cover member (figure 7(86) (and clearly shown in figures 9A and 9B) of Lee) for covering an original placed on an original stand (figure 9A and column 6, lines 14-17 of Lee); and a hinge member (figure 7(84) of Lee) having one end thereof pivotally supported by said cover member (column 5, lines 46-50 of Lee), and having the other end thereof mounted on and pivotally supported by said original stand (column 5, lines 33-39 of Lee), wherein said cover member can be rotated in a direction in which said cover member is opened with respect to said hinge member (figure 9B and column 6, lines 17-26 of Lee), and can be further rotated in a direction along a rotary shaft of said hinge member (figure 9B and column 5, lines 34-39 of Lee).

Lee does not disclose expressly that said cover member is biased in a direction in which said cover member is opened with respect to said hinge member, and is further biased in a direction along a rotary shaft of said hinge member by a spring.

Fujitaka discloses biasing a cover member with respect to a hinge member by a spring (column 10, lines 1-10 of Fujitaka).

Lee and Fujitaka are combinable because they are from the same field of endeavor, namely devices for covering the platen of an image scanning device and securing the document to be scanned. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to specifically bias the cover member with a spring, as taught by Fujitaka, in the two directions in which the cover member can be rotated in the overall apparatus taught by Lee. The motivation for doing so would have been to compensate for the effects of the weight of large, thick media that is to be scanned (column 10, lines 1-4 of Fujitaka). Therefore, it would have been obvious to combine Fujitaka with Lee to obtain the invention as specified in claim 1.

Regarding claim 2: Lee discloses that said hinge member is pivotally supported by another area (figure 4(32) of Lee) than an end portion of said cover member (column 3, lines 24-27 and column 4, lines 48-51 of Lee). Said hinge member is supported by the recessed region (figure 4(32) of Lee) which comprises an opening (figure 4(40) and column 3, lines 24-27 of Lee) into which the starter (figure 4(52) of Lee) is pivotally inserted, and is thus supported (column 4, lines 48-51 of Lee), said starter being a portion of the overall hinge member (column 3, lines 41-44 of Lee).

Regarding claim 3: Lee discloses that said cover member has its pivotally movable range restricted with respect to said hinge member (column 4, lines 35-39 of Lee).

Regarding claim 4: Lee discloses that at least one of said cover member and said hinge member is provided with a

restricting portion (figure 3(76) of Lee) for restricting the pivotally movable range of said cover member in said direction in which said cover member is opened with respect to said hinge member (column 4, lines 35-39 of Lee).

Further regarding claim 7: Fujitaka discloses that said spring is a torsion coil spring (column 10, lines 10-11 of Fujitaka).

Regarding claim 13/1: Lee discloses the cover recited in claim 1, the arguments of which are incorporated herein; and image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Regarding claim 13/2: Lee discloses the cover recited in claim 2, the arguments of which are incorporated herein; and image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Regarding claim 13/3: Lee discloses the cover recited in claim 3, the arguments of which are incorporated herein; and image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure

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of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Regarding claim 13/4: Lee discloses the cover recited in claim 4, the arguments of which are incorporated herein; and image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Regarding claim 13/7: Lee discloses the cover recited in claim 4, the arguments of which are incorporated herein; and image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



16 February 2006

James A. Thompson
Examiner
Division 2625



**DAVID MOORE
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